

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**CORRECTED  
FISCAL NOTE**

**HB 778 - SB 1369**

April 14, 2009

**SUMMARY OF BILL:** Creates the Judicial Advisory Panel to replace the current Judicial Selection and Evaluation Commissions and to assist the Governor in the selection of individuals to fill vacancies in judicial offices. Reduces the total membership from 17 to 11 members. Membership is comprised of three members from each grand division and two at-large members. Five of the 11 must be attorneys and four non-attorneys. The Speaker of the Senate and of the House of Representatives shall each appoint five members. Requires one member to be the Secretary of State or his designee. Reduces from six to four years the length of term for Panel members and deletes the current two-term limit. Requires all meeting of the Panel to be open to the public. Increases from a simple majority to a 60 percent majority the vote that a judge must receive to be elected or re-elected. Requires the Governor to fill vacancies within 60 days after receiving the list of nominees from the Panel.

**ESTIMATED FISCAL IMPACT:**

On March 30, 2009, we issued a fiscal note indicating *a decrease in state expenditures of \$8,900, and a more precise cost estimate is not possible because the Administrative Office of the Courts (AOC) has not provided any information to assist in the preparation of this fiscal note.* Based on additional information provided by the AOC and further review, the fiscal impact of this bill is as follows:

**Decrease State Expenditures – \$110,000**

Assumptions:

- Meetings which are currently private will be made open to the public. Requiring public notice of such meetings will result in a not significant increase in state expenditures.
- Based on the total expenditures of the Judicial Selection Commission for the past three years, the average expense per member is \$1,755.98. The decrease in state expenditures with six fewer members is estimated to be \$10,535.88 (\$1,755.98 x 6).

**HB 778 - SB 1369 (CORRECTED)**

- The costs associated with the Judicial Evaluation Commission (JEC) for 2007 were \$148,898.92 and \$50,039.39 for 2008 resulting in a two-year average of \$99,469.16. Eliminating the JEC would result in a decrease in state expenditures of \$99,469.16.
- Total decrease in state expenditures is \$110,005.04 (\$10,535.88 + \$99,469.16).

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc